

AMENDED IN ASSEMBLY APRIL 18, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2394**

**Introduced by Assembly Members ~~Cardenas~~ and Member  
Negrete McLeod**

February 21, 2002

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An act to amend Section 3058.6 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 2394, as amended, ~~Cardenas~~ *Negrete McLeod*. Parole.

Existing law requires either the Board of Prison Terms or the Department of Corrections to notify the sheriffs or chiefs of police, and the district attorneys, who have jurisdiction over the community in which a violent felon was convicted and ~~having~~ *who have* jurisdiction over the community in which the violent felon is scheduled to be released on parole, at least 45 days prior to the scheduled release date. The notification is required to include certain information concerning the parolee. Agencies receiving the notice may provide written comment to the board or department regarding the impending release; the board or department may, based on those comments, modify its decision regarding the community in which the inmate is scheduled to be released.

This bill would provide that these provisions do not apply to sheriff's departments, police departments, and district attorney's offices that choose to access the Department of Corrections Parole Law Enforcement Automated Data System for notification.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 3058.6 of the Penal Code is amended to read:

3058.6. (a) Whenever any person confined to state prison is serving a term for the conviction of a violent felony listed in subdivision (c) of Section 667.5, the Board of Prison Terms, with respect to inmates sentenced pursuant to subdivision (b) of Section 1168 or the Department of Corrections, with respect to inmates sentenced pursuant to Section 1170, shall notify the sheriff or chief of police, or both, and the district attorney, who has jurisdiction over the community in which the person was convicted and, in addition, the sheriff or chief of police, or both, and the district attorney, having jurisdiction over the community in which the person is scheduled to be released on parole or rereleased following a period of confinement pursuant to a parole revocation without a new commitment.

(b) (1) The notification shall be made by mail at least 45 days prior to the scheduled release date, except as provided in paragraph (3). In all cases, the notification shall include the name of the person who is scheduled to be released, whether or not the person is required to register with local law enforcement, and the community in which the person will reside. The notification shall specify the office within the Department of Corrections with the authority to make final determination and adjustments regarding parole location decisions. This section shall not apply to sheriff's departments, police departments, or district attorney's offices, that have access to the Department of Corrections Parole Law Enforcement Automated Data System if that sheriff, police chief, or district attorney chooses to utilize that data for system notification.

(2) Notwithstanding any other provision of law, the Department of Corrections shall not restore credits nor take any administrative action resulting in an inmate being placed in a greater credit earning category that would result in notification being provided less than 45 days prior to ~~an~~ the inmate's scheduled release date.

(3) When notification cannot be provided within the 45 days due to the unanticipated release date change of an inmate as a result of an order from the court, an action by the Board of Prison Terms,

the granting of an administrative appeal, or a finding of not guilty or dismissal of a disciplinary action, that affects the sentence of the inmate, or due to a modification of the ~~department's~~ *Department of Corrections*' decision regarding the community into which the person is scheduled to be released pursuant to paragraph (4), the ~~department~~ *Department of Corrections* shall provide notification as soon as practicable, but in no case less than 24 hours after the final decision is made regarding where the parolee will be released.

(4) Those agencies receiving the notice referred to in this subdivision may provide written comment to the board or department regarding the impending release. Agencies that choose to provide written comments shall respond within 30 days prior to the inmate's scheduled release, unless an agency received less than 45 days' notice of the impending release, in which case the agency shall respond as soon as practicable prior to the scheduled release. Those comments shall be considered by the board or department which may, based on those comments, modify its decision regarding the community in which the person is scheduled to be released. The Department of Corrections shall respond in writing not less than 15 days prior to the scheduled release with a final determination as to whether to adjust the parole location and documenting the basis for its decision, unless the department received comments less than 30 days prior to the impending release, in which case the department shall respond as soon as practicable prior to the scheduled release. The comments shall become a part of the inmate's file.

(c) If the court orders the immediate release of an inmate, the department shall notify the sheriff or chief of police, or both, and the district attorney, having jurisdiction over the community in which the person was convicted and, in addition, the sheriff or chief of police, or both, and the district attorney, having jurisdiction over the community in which the person is scheduled to be released on parole at the time of release.

(d) The notification required by this section shall be made whether or not a request has been made under Section 3058.5.

In no case shall notice required by this section to the appropriate agency be later than the day of release on parole. If, after the 45-day notice is given to law enforcement and to the district attorney relating to an out-of-county placement, there is change of

- 1 county placement, notice to the ultimate county of placement shall
- 2 be made upon the determination of the county of placement.

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